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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,880	09/10/2003	Lennart G. Petersson	1235	6928
	7590		EXAMINER	
	12/16/2005		LEVY, NEIL S	
			ART UNIT	PAPER NUMBER
			1615	
			DATE MAILED: 12/16/2005	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/660,880	Applicant(s) PETERSSON, LENNART G.	
Examiner NEIL LEVY	Art Unit 1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 November 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 9-11 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 9-11 and 15-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 9-11 and 15-17 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group III, inorganic zinc species in the reply filed on 11/07/05 is acknowledged.

Claim Rejections - 35 USC § 103

Claims 9-11,15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartnik et al 5399353 in view of Modak et al 6037386

BARTNIK shows methods of treating skin,(background) inclusive of animals , including dairy cattle (col . 7, lines 20-col 8 lines 13, & claim 4) with chlorhexidine & zinc oxide.Powder forms are specified C ol. 5, lines 45-50, bottom , col. 6).chlorhexidine gluconate (CHG) is exemplified(col. 19,exmples 91-93,95,96) Chlorhexidine acetate(CHA) is not exemplified.

MODAK (col. 5, llines 20-43,col. 6, lines 5-7, col. 8 bottom, examples, 4 , col. 15, & col. 10) also treats skin with chlorhexidine, including CHA & CHG, shown as equivalent , with inorganic zinc, zinc oxide, in powder forms (col. 9, lines 60-63) @ 0.05-5% antimicrobial (col. 8, lines 50+) @ A 1:13 – 2: 1 (col. 9, top) to , for example (col. 10, bottom) zinc oxide.Examples 4,5 show CHA with zinc oxide & corn starch carrier .

It would have been obvious to a person of ordinary skill in the art at the time the invention was made desiring to utilize pest control means, to use any of art recognized means, as of the BARTNIK powders modified as desired to increase stability, dispersibility,compatability of ingredients, processing ease, reduced toxicity to handlers, and to include any of the chlorhexidines as shown equivalent by modak

All the critical elements of the instant are disclosed. The amounts and proportions of each ingredient are result effective

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parameters chosen to obtain the desired effects. It would be obvious to vary the form of each ingredient to optimize the effect desired, depending upon the particular species and application method of interest, reduction of toxicity, cost minimization, enhanced, and prolonged, or synergistic effects.

Applicant has not provided any objective evidence of criticality, nonobvious or unexpected results that the administration of the particular ingredients' or concentrations provides any greater or different level of prior art expectation as claimed, and the use of ingredient for the functionality for which they are known to be used is not basis for patentability.

The instant invention provides well known old art recognized compounds, with well known art recognized effects, applied by well known art recognized methods to achieve improved control as is well known in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL LEVY whose telephone number is 571-272-0619.

The examiner can normally be reached on Tuesday-Friday, 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THURMAN PAGE can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NEIL LEVY
Primary Examiner
Art Unit 1615
